

August 9, 2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**TRANSMITTAL OF SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 10/551,363 filed 9/28/2005  
Applicant: Earl C. Downey  
Title: **SURGICAL INSTRUMENT WITH TRIGGER CONTROL**  
Group Art Unit:  
Attorney Docket No. 01630-21317.PCT.US

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. §§ 1.56 and 1.97 is a Supplemental Information Disclosure Statement. Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- ☒ Form **PTO/SB/08A and PTO/SB/08B** list of 44 references submitted for consideration.
- ☒ Legible copies of the listed non-patent documents, unpublished U.S. applications and foreign documents or their relevant portions are included.
- ☐ All English translations of each non-English reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. §1.98).

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

- ☐ Concise explanation of relevance of each reference, not in English and unaccompanied by an English translation.
- ☐ Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.
- ☐ Statement that certain listed references not enclosed were previously cited by or submitted to the Office in prior application no. \_\_\_\_\_, filed on \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

[www.tnw.com](http://www.tnw.com)

8180 South 700 East  
Suite 350  
Sandy, Utah 84070-0562  
t. 801.566.6633  
f. 801.566.0750  
patlaw@tnw.com

U.S. Mailing Address:  
P.O. Box 1219  
Sandy, Utah 84091-1219

The Team Approach to  
Premier Performance®

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

- ☐ Statement under 37 C.F.R. § 1.97(e)(1) or (2).
- ☐ Check No. \_\_\_\_ in the amount of \$ \_\_\_\_ (amount in § 1.17(p)) constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Statement meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 20-0100 of the undersigned.

Dated this 9<sup>th</sup> day of August, 2010.

Respectfully submitted,



Christopher L. Johnson  
Attorney for Applicant  
Registration No. 46809

THORPE NORTH & WESTERN, LLP  
Customer No. 20,551  
P.O. Box 1219  
Sandy, UT 84091-1219  
Telephone (801) 566-6633

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

ART UNIT: 3734  EXAMINER: Jennifer L. Hornberger  FIRST NAMED INVENTOR: Earl C. Downey  SERIAL NO.: 10/551,363  FILED: 9/28/2005  CONF. NO.: 3075  FOR: SURGICAL INSTRUMENT WITH TRIGGER CONTROL  DOCKET NO.: 01630-21317.PCT.US	<div style="text-align: center;"><b><u>CERTIFICATE OF MAILING</u></b> <b><u>UNDER 37 C.F.R. § 1.8</u></b></div> <p>DATE OF DEPOSIT: <u>August 9, 2010</u></p> <p>I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being submitted on the date indicated above via:</p> <p><input checked="" type="checkbox"/> EFS Web</p> <p><input type="checkbox"/> facsimile to _____</p> <p><input type="checkbox"/> the United States Postal Service with sufficient postage as first class mail addressed to: Mail Stop _____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p style="text-align: right;">/Marla E. Howlett/ _____ Marla E. Howlett</p>
--	--

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form **PTO/SB/08A** and **PTO/SB/08B** which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully submits that this Information Disclosure Statement is filed pursuant to:

☒ 37 C.F.R. § 1.97 (b), within three months of the filing date of the application, or before a first office action on the merits, whichever occurs last;

☐ 37 C.F.R. § 1.97 (c), after a first office action on the merits, but before a Final Office Action or a Notice of Allowance, whichever occurs first, and is accompanied by either 1) a statement in accordance with 37 C.F.R. § 1.97(e), or 2) the fee set forth in §1.17(p); or

☐ 37 C.F.R. § 1.97 (d), after a Final Office Action or Notice of Allowance, whichever occurs first, but on or before payment of the issue fee, and is accompanied by both 1) a statement in accordance with 37 C.F.R. §1.97(e), and 2) the fee set forth in 37 C.F.R. § 1.17(p);

While no representation is made that any of these references may be "prior art" within the meaning of that term in accordance with 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the references listed, together with any other references which may have been previously submitted or listed, are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

☒ A legible copy of each of the listed non-patent literature, unpublished U.S. applications, and foreign documents or their relevant portions is enclosed

☐ Copies of the references listed in the accompanying Form PTO/SB/08A and PTO/SB/08B are NOT enclosed because, under 37 C.F.R. § 1.98(d), they were previously cited by or submitted to the Office in application number \_\_\_\_\_, which is relied upon for an earlier filing date under 37 C.F.R. § 1.20.

☐ For all listed references that are not either in the English language, or accompanied by a translation into English, a concise explanation of relevance as required under 37 C.F.R. §1.98(a)(3) is enclosed attached to each.

The Commissioner is hereby authorized to charge any additional fees with this communication or to credit any overpayment to Deposit Account No. 20-0100.

DATED this 9th day of August, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ch. L. Johnson", with a long horizontal flourish extending to the right.

Christopher L. Johnson  
Attorney for Applicant  
Registration No. 46809

THORPE NORTH & WESTERN, LLP  
Customer No. 20,551  
P.O. Box 1219  
Sandy, Utah 84091-1219  
Telephone: (801) 566-6633